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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/730,950

12/09/2003

Yoshiharu Tenmyo

1001-025

3679

26272

7590

06/29/2005

COWAN LIEBOWITZ & LATMAN P.C.

JOHN J TORRENTE

1133 AVE OF THE AMERICAS

1133 AVE OF THE AMERICAS

NEW YORK, NY 10036

EXAMINER

TSIDULKO, MARK

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

✓ *[Signature]* ★

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/730,950		TENMYO, YOSHIHARU	
	<b>Examiner</b>		<b>Art Unit</b>	
	Mark Tsidulko		2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 December 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 6-13 is/are rejected.
- 7) ☒ Claim(s) 3-5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>120903</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 6, 9, 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Tenmyo (US 6,078,752).

Referring to Claim 1 Tenmyo discloses (Figs.15, 16) an illumination device including a light source [4] a condensing unit [5] that condenses the light emitted from the light source and having a negative lens portion [5b] (col.5, lines 22-25) arranged in a front of the device and having a negative refractive power, a positive lens portion [5a] (col.19, lines 11, 12) arranged near the optical axis and having a positive refractive power and a reflection portion [6] that reflects the light that is not directed to the positive lens portion toward the optical axis.

Referring to Claim 2 the negative lens portion inherently positioned closer to the light source than the focus point, because a focus point is always located out of the camera and lens is positioned between the light source and the focus point.

Referring to Claim 6 Tenmyo discloses (Figs.15, 16) an optical member including a negative lens portion [5b] (col.5, lines 22-25), a positive lens portion [5a] (col.19, lines 11, 12) and a reflection portion [6].

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Referring to Claims 9, 11 Tenmyo discloses that the reflection portion has a total reflection surface (col.2, lines7-10) configured as a mirror surface (col.2, lines1-4; col.4, lines 56, 57) and having a curved surface which is concentric to the light source center.

Referring to Claim 12 Tenmyo discloses (Fig.16) a flashlight discharge tube extending in width direction the device.

Referring to Claim 12 Tenmyo discloses (Fig.1) a camera [1] having an illumination device [5].

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 8, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tenmyo (US 6,078,752) in view of Hough (US 6,282,027).

Referring to Claim 7 discloses the instant claimed invention except for two optical members: positive and negative.

Hough discloses (Fig.1) a first optical member [1] which is positive lens portion and a second optical member [2] which is a negative lens portion.

Referring to Claim 8 discloses the instant claimed invention except for that the optical irradiation angle can be changed by changing the distance between the first and the second optical members.

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Hough discloses (Figs. 1-5) the optical irradiation angle that is changed by changing the distance between the first and the second optical members.

Referring to Claim 10 discloses the instant claimed invention except for that the negative lens portion has a concave surface.

Hough discloses (Fig. 1) this limitation.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the optical unit of Tenmyo made of two optical members, as taught by Hough, on order to obtain possibility to change the optical irradiation angle for various light output.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Tsidulko whose telephone number is (571)272-2384. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for all communications.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M.T.

June 16, 2005

***Allowable Subject Matter***

Claims 3-5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance:


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Referring to Claim 3 the prior art of record fails to show an illumination device wherein the negative lens portion is shaped such that its length in the vertical direction of the device is smaller than a maximum length of the condensing unit in the vertical direction of the device.

Claim 4 is objected as claim dependent on claim 3.

Referring to Claim 5 the prior art of record fails to show an illumination device wherein the negative lens portion and the condensing unit are formed such that the ratio the distance between a maximum aperture position of the negative lens portion and a maximum aperture position of the condensing lens to the distance between a maximum aperture position of the condensing unit and the light source center is more or equal 0.1 and less or equal 0.5.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."



**JOHN ANTHONY WARD**  
PRIMARY EXAMINER